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To: [Owen Healy](#); [Summers, John S.](#); [VanWyk, Claudia \(FD\)](#); [McHugh, Elizabeth \(FD\)](#); max.kaufman@phila.gov; nancy.winkelman@phila.gov; paul.george@phila.gov; [Erdlen, Andrew M.](#); drudovsky_krlawphila.com; [Mahler, Cari](#)
Cc: [Chambers of Judge Mitchell S Goldberg](#)
Subject: RE: [EXTERNAL] Wharton v. Vaughn (E.D. Pa. 01-cv-6049) -- Request for Information
Date: Tuesday, June 28, 2022 2:30:56 PM
Attachments: [DeRamus memorandum.pdf](#)

CAUTION - EXTERNAL:

Good afternoon.

The information regarding Robert Wharton's escape from City Hall was gathered by Attorney Cari Mahler. At that time, we had no background information on Wharton and really knew nothing about him, the case, his history, etc. We therefore started from scratch to uncover as much information as possible about Wharton's time in prison and criminal history.

Shortly after the Court requested that we participate as *amicus curiae*, Attorney Mahler obtained Wharton's prison adjustment records from the Pennsylvania Department of Corrections. Those documents included a memorandum (copy attached) dated July 23, 1986, to Erskind DeRamus, Deputy Commissioner, from Adrian Callender, addressing Wharton. Essentially, the document is an intake memo. Of particular relevance, it states, "Mr. Wharton reports that while in the Sheriff's custody at City Hall for court procedures, he attempted to escape when he was temporarily left alone by the sheriff's office staff. He said that he was reapprehended before he could exit the building, and he was never prosecuted for the attempted escape." This memo was attached as an exhibit to the OAG *amicus* brief and was in OAG's hearing binder as part of an exhibit.

As a result of finding the memo, Attorney Mahler looked at Wharton's criminal history and reviewed his Quarter Sessions files at the Criminal Justice Center, one of which pertained to the prosecution for his escape attempt. From the court file, she obtained the Written Guilty Plea Colloquy, arrest paperwork, criminal complaint, handwritten court docket entries, sentencing paperwork, and District Attorney Charging Unit High Bail Request form (all attached to the *amicus* brief and hearing exhibit binder). She also obtained the computer generated court dockets for the attempted escape case and the home invasion/robbery case (Wharton attempted to escape during the sentencing in the latter case).

Attorney Mahler then learned that Mr. Vega had been present in the City Hall courtroom during the escape and did a search online for any newspaper articles/information addressing the escape from City Hall. Mr. Vega's statement and the newspaper articles were also attached to our *amicus* brief and were in our hearing binder. Additionally, a general search on Westlaw for cases addressing Robert Wharton revealed that he had filed a civil suit against the sheriffs who shot him during the escape (also attached to the *amicus* brief and in hearing binder). As a result of the information already gathered, Attorney Mahler obtained the DOC medical records referencing Wharton's treatment for the gunshot wounds.

This information was not shared with the District Attorney's Office before the OAG filed its *amicus*

brief.

James P. Barker
Chief Deputy Attorney General

Cari Mahler
Senior Deputy Attorney General

From: Owen Healy <Owen_Healy@paed.uscourts.gov>

Sent: Tuesday, June 28, 2022 11:48 AM

To: Summers, John S. <jss@hangley.com>; VanWyk, Claudia (FD) <Claudia_VanWyk@fd.org>; McHugh, Elizabeth (FD) <Elizabeth_McHugh@fd.org>; max.kaufman@phila.gov; nancy.winkelman@phila.gov; paul.george@phila.gov; Erdlen, Andrew M. <ame@hangley.com>; drudovsky_krlawphila.com <drudovsky@krlawphila.com>; Barker, James <jbarker@attorneygeneral.gov>; Mahler, Cari <cmahler@attorneygeneral.gov>

Cc: Chambers of Judge Mitchell S Goldberg
<Chambers_of_Judge_Mitchell_S_Goldberg@paed.uscourts.gov>

Subject: [EXTERNAL] Wharton v. Vaughn (E.D. Pa. 01-cv-6049) -- Request for Information

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Dear Counsel,

Please see below from Judge Goldberg.

Owen E. Healy
Law Clerk to the Honorable Mitchell S. Goldberg
(267) 299-7505

Dear Counsel,

At the hearing, I neglected to ask the Attorney General's Office how and when it learned of Wharton's 1986 escape. I would also like to know whether, aside from docketed briefs, this information was provided to the District Attorney's Office. I am requesting that the Attorney General's Office provide this information by replying to this email, which will be docketed.

Mitch Goldberg

Judge Mitchell S. Goldberg
United States District Court
Eastern District of Pa.
601 Market Street
Philadelphia, PA 19106
(267) 299-7500

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SYD-SBT 1-84

COMMONWEALTH OF PENNSYLVANIA

July 23, 1986

SUBJECT: WHARTON, Robert,
Y-6874
SID # 1-56-16-59-8

TO: Erskind DeRamus
Deputy Commissioner

FROM:

Adrian Callender
CAFM, EDCC

BY: William Conrad
CC III, EDCC

Mr. Robert Wharton, age 23, is serving a 12½ - 25 year sentence for Robbery, Cr. Consp., and Burglary, with an effective date of April 21, 1986. There are two (2) Burglary detainers listed from Phila. Common Pleas and he has a deferred sentence detainer listed for 1st Degree Murder. Mr. Wharton denies problems with drugs or alcohol, and he reports prior convictions for property offenses.

Mr. Wharton reports that while in the Sheriff's custody at City Hall for court procedures, he attempted to escape when he was temporarily left alone by the sheriff's office staff. He said that he was reapprehended before he could exit the building, and he was never prosecuted for the attempted escape.

While in EDCC, Mr. Wharton has maintained a clear-conduct record. He is in II level status.

Mr. Wharton claims no enemies and there are no separations on file.

There are no medical and no psychological preclusions to transfer.

Staff recommends placement in III-E level status initially, and staff agrees essentially with the program recommendations in the Classification Summary.

Staff recommends transfer to SCI-Huntingdon Based on his high public risk scores, his high custody score, and program considerations. Mr. Wharton prefers SCI-Graterford or SCI-Dallas placement.

AC/WC:sIm

cc: file